

NOTICE OF OBJECTION TO CONFIRMATION

BANK OF AMERICA N.A. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC	Albert Russo, Trustee
1617 JFK Boulevard, Suite 1400	CN4853
Philadelphia, PA 19103	Trenton, NJ 08650

Attend the hearing scheduled to be held on \$bkHearingDate in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: July 25, 2019

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

File No. 827703

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard
Philadelphia, PA 19103
856-813-5500
FAX Number 856-813-5501
BANK OF AMERICA N.A.

In Re:
DEREK BERNARD BATTLE

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE

Chapter 13

Case No. 19-23697 - MBK

Hearing Date:

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, BANK OF AMERICA N.A., the holder of a Mortgage on debtor residence located at 1 BARGE LANE, SOMERSET, NJ 08873 hereby objects to the Confirmation of the debtor proposed Chapter 13 Plan on the following grounds:

1. Debtor, DEREK BERNARD BATTLE is the owner of 2014 MERCEDES-B CLS-CLASS, VIN. No. WDDLJ9BB4EA131940.

2. Secured Creditor is in the process of drafting and filing a Proof of Claim.

The approximate arrears are \$659.83.

3. Debtor's Modified Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).

4. Debtor's Modified Plan should be amended to show the arrears due and owed to Secured Creditor. Debtor's Modified Plan currently does not list our client and/or our subject property. Debtors' Plan should be amended to fully fund the arrears and provide for appropriate treatment of Secured Creditor's claim.

WHEREFORE, BANK OF AMERICA N.A. respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

Dated: July 25, 2019

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

827703
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for BANK OF AMERICA N.A.

In Re:

Derek Bernard Battle

Case No: 19-23697 - MBK

Hearing Date: _____

Judge: MICHAEL B KAPLAN

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Melissa Reiner:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents BANK OF AMERICA N.A. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On July 25, 2019 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: July 25, 2019

/s/ Melissa Reiner
Melissa Reiner

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Derek Bernard Battle 1 Barge Lane, Somerset, NJ 08873-7361	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Vincent Commisa 20 Manger Road West Orange, NJ 07052	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo, Trustee CN 4853 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.